

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6626 of 1995

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
(1 to 5 - No)

NEW BANK OF INDIA EMPLOYEES UNION

Versus

PUNJAB NATIONAL BANK

Appearance:

MR MR ANAND for Petitioner

MR SV RAJU for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 21/08/96

ORAL JUDGEMENT

The petitioner is a Union of the former employees of the New Bank of India. Under Notification dated 4th September, 1993, the New Bank of India was amalgamated with the Punjab National Bank, the respondent No.1

herein.

The petitioner herein challenges the validity of clauses 4(a)(ii) and 4(a)(iii) of the Placement scheme prepared under clause 5(4) of the amalgamation scheme.

Similar petitions raising similar questions have been filed by the petitioner Union in various High Courts. The Punjab & Haryana High Court has upheld the aforesaid placement scheme. The judgment of the Punjab & Haryana High Court referred to hereinabove was further challenged before the Hon'ble Supreme Court. The Hon'ble Supreme Court has rendered its decision on 13-3-96 reported in JT 1996(3) S.C.203 and has upheld the placement scheme impugned herein.

In view of the aforesaid judgment the present petition requires to be rejected.

Learned Advocate Mr.Raju appearing for the respondent Bank has submitted that several petitions have been filed by the petitioner Union in various High Courts of the country. Even after the decision was rendered by the Hon'ble Supreme Court the said fact has not been disclosed before this court when the petition came up for admission hearing on 10th July 1996. Mr.Raju relies upon the judgment of the Hon'ble Supreme Court in the matter of All India State Bank Officers Federation and others (1990 Supp.S.C. 336) and he particularly relies on the observations made by the Hon'ble Supreme Court in Paragraph 11 of the judgment and submits that filing of several petitions on the same subject matter in various High Courts is nothing but an abuse of the process of court and more so, in the present case, because the petitioner has not disclosed the factum of the judgment of the Hon'ble Supreme Court on 10th July 1996 when the petition came up for admission hearing.

In view of the above- referred judgment of the Hon'ble Supreme Court rendered in the matter of New Bank of India Employees' Union and Another (supra) this petition is required to be dismissed. It is further required to be held that the petitioner Union has filed various petitions in different High Courts for ulterior purpose.

The petition is, therefore, dismissed with costs. The advocate's fee for the purpose of costs is quantified at Rs.5,000/-(Rupees Five thousand).

Rule is discharged.

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